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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/289,305 | 04/09/1999 | GLENN BEGIS | 10559/008001 | 8436 |

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FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2666

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/289,305

Applicant(s)

BEGIS, GLENN

Examiner

Ronald Abelson

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-29 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7, 11-14 and 30 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2666

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 5-7, and 11-14 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Weingarten (US 6,078,579).

Regarding claims 1 and 11, Weingarten teaches establishing a connection across a first communication network that carries audio signals (conventional telephone lines, fig. 4 element 80, col. 7 lines 25-31), encoding a computer network address for a second network different from the first network into an encoded

Art Unit: 2666

network address and sending the encoded network address across the first network (IP address, fig. 4 element 82, col. 7 lines 25-31), and using the network address that is sent over the first network to establish a network connection on said second network (fig. 4 box 76, 78, col. 7 lines 32-42).

Regarding claim 2, the first network is a voice network (fig. 4 element 80, conventional telephone lines, col. 7 line 28).

Regarding claims 5 and 6, the second network comprises the Internet (fig. 4 elements 76, 78).

Regarding claim 7, it is inherent that a computer address contains a port address.

Regarding claim 12, in addition to the limitations listed in claims 1 and 11, the step of translating the encoded network address (fig. 4 element 82) to a computer address is performed by (fig. 4 box 74).

Regarding claims 13 and 14, obtain a computer network address / IP address for a computer network (fig. 4 box 74, col. 7 lines 25 - 31), send the computer network address across a second network that is different from the computer network (IP address, fig. 4 element 82, col. 7 lines 25-31), and receive a network connection request to establish a network connection across the computer network and using the computer network

Art Unit: 2666

address to establish the network connection (fig. 4 box 76, 78, col. 7 lines 32-42).

Regarding claim 30, in addition to the limitations listed in claims 13 and 14, a storage medium (fig. 4 box 74, instructions contained within the micro-controller).

Allowable Subject Matter

3. Claims 15-29 are allowed.

4. Claims 3-4 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 3-4, nothing the prior art teaches or fairly suggests encoding the network address using dual tone multi-frequency signals nor appending the encoded network address to the telephone network signaling data in combination with the other limitations of the claims.

Regarding claim 8, nothing the prior art teaches or fairly suggests sending audio through the voice network before sending audio through the computer network in combination with the other limitations of the claims. Regarding claims 9-10, 15, and 17, nothing the prior art teaches or fairly suggests encryption in

Art Unit: 2666

combination with the other limitations of the claim. Regarding claims 18, 23, and 24, nothing in the prior art teaches or fairly suggests the step of verifying, in combination with the other limitations listed in the claims. Regarding claims 25, 26, and 29, nothing in the prior art teaches or fairly suggests a crossbar switch, in combination with the other limitations listed in the claim.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 5-7, and 11-14 and 30 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that the amended claims 1, 11-14 have overcome the teaching of Cruickshank (US 6,389,005). However, the examiner contends that the limitations found in the amended claims are taught in Weingarten. Regarding independent claims 18, 23-26, and 29, the examiner agrees with the applicant that the claims are patentable over the referenced prior art.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald

Art Unit: 2666

Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

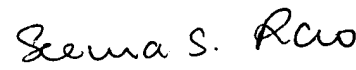
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Ronald Abelson
Examiner
Art Unit 2666



October 21, 2002


Seema S. Rao
Supervisory Patent Examiner
AU 2666
10/21/2002
Official fax number: 703-872-9314